

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

CRIMINAL PETITION No.13569 of 2015

ORDER:

This petition is filed under Section 482 Cr.P.C. seeking to quash the proceedings against the petitioner/accused No.1 in Crime No.592 of 2015 of Neredmet Police Station of Cyberabad, registered for the offence punishable under Section 420 IPC.

2. Heard the learned counsel for the petitioner and the learned Public Prosecutor representing the State.

3. A perusal of the record reveals that the petitioner is accused No.1 and the second respondent is the *de facto* complainant in Crime No.592 of 2015. As per the allegations made in the complaint, one P.B. Srinivas @ Sunny approached the second respondent to sell vacant site as if he is having GPA in respect of plot No.B26 admeasuring 200 Sq.yards situated in Mutyalarao Cooperative Housing Society, JJ Nagar, Neredmet. Out of total extent of 200 Sq.yards, the second respondent purchased 60 Sq.yards and one Bhumender purchased 140 Sq.yards. Since P.B.Srinivas is GPA Holder, the second respondent insisted for execution of regular sale deed by original owner by name P.S. Vikram Kumar. P.B.Srinivas has been postponing the execution of sale deed in respect of same plot in favour of the second respondent on one pretext or other. P.B.Srinivas issued two cheques for an amount of Rs.9,00,000/- and Rs.3,00,000/-. The second respondent came to know that the petitioner obtained sale deed from P.S. Vikram Kumar on 12.3.2015 in respect of plot No.B26. Whether the petitioner committed the alleged offence or not will come to light during the course of investigation.

4. It is a settled principle of law that the Court has to take into consideration the allegations made in the complaint while exercising the inherent power under Section 482 Cr.P.C., in order to quash the proceedings. The allegations made in the complaint are *prima facie*

sufficient to investigate into the matter.

5. Having regard to the facts and circumstances of the case and also the principle enunciated in **R.P.Kapoor v. State of Punjab**^[1], **State of Haryana v. Bhajan Lal**^[2], **V.Y.Jose V State of Gurajat**^[3] and **Teeja Devi v. State of Rajasthan**^[4], I am of the considered view that this is not a fit case to quash the criminal proceedings at the threshold.

6. The learned counsel for the petitioner submitted that the concerned Station House Officer may be directed not to arrest the petitioner. Having regard to the facts and circumstances of the case, the Station House Officer, Neredmet Police Station, is hereby directed not to arrest the petitioner/accused No.1 till completion of the investigation in crime No.592 of 2015.

7. With the above direction, Criminal Petition is dismissed. Miscellaneous Petitions, if any, pending in this Criminal Petition shall stand closed.

T.SUNIL CHOWDARY, J

December 18, 2015.

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^[1] AIR 1960 SC 866

^[2] AIR 1992 SC 604

^[3] (2009) 3 SCC 78

^[4] 2015 (1) ACR 564 (SC)